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VISTA PRINT USA, INC.  
ATTN: PATENT COUNSEL  
95 HAYDEN AVENUE  
LEXINGTON, MA 02421

EXAMINER
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DEBROW, JAMES J

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2176

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/679,028  
Filing Date: October 03, 2003  
Appellant(s): MALONE ET AL.

**MAILED**

**AUG 24 2007**

**Technology Center 2100**

Robert Dulany, Reg. No. 28,071

For Appellant

### **EXAMINER'S ANSWER**

This is in response to the appeal brief filed 23 April 2007 appealing from the Office action mailed 21 Nov. 2006.

#### **(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

#### **(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

#### **(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

#### **(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

#### **(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

2003/0208556 A1	Friedman et al.	10-1999
2005/0102151 A1	Fuwa et al.	12-2001

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claim 1, 3-11, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Friedman et al. (Pub. No.: US 2003/0208556 A1; Filing Date: Oct. 18, 1999) (hereinafter 'Friedman'), in view of Fuwa et al. (Pub. No.: US 2005/0102151 A1; Filing Date: Dec. 25, 2001) (hereinafter 'Fuwa').**

**In regard to independent claim 1**, Friedman discloses *a computer-implemented electronic product template method comprising*

*receiving a user request to initiate a product design session using a selected template* (0014, lines 1-7; Friedman discloses the user may select any of a number of card templates stored in a database.).

*displaying the selected template to the user* (0014, lines 7-8),

*providing one or more tools allowing the user to change at least one component element of the template* (0014, lines 9-12; 0015, lines 10-11; Friedman discloses the user is able to customize the card by adding text, handwritten notes, graphics, photographs and scanned data to the card.), *and*

*in response to each user change of a component element, associating the element identifier of the new component element with the product description identifier and modifying the displayed template to reflect the change* (0019, lines 1-9; Friedman teaches the modification to the card is viewed in a WYSIWYG format. It has been established and is well known to a person of ordinary skill in the art that the WYSIWYG format would allow the user to immediately view the modifications to the card as they are made.)

Friedman does not disclose expressly *in response to the request, associating a product description identifier with a plurality of component element identifiers, each component element identifier identifying a component element of the selected template.*

*using at least some of the element identifiers associated with the product description identifier as element identifiers of a different template, and display the different template to the user.*

However, Fuwa teaches *in response to the request, associating a product description identifier with a plurality of component element identifiers, each component element identifier identifying a component element of the selected template* (0037 – 0039; Fuwa teaches how products are classified into broad categories (*product description identifier*), and each category is classified into sub-categories (*component element identifier*)).

*using at least some of the element identifiers associated with the product description identifier as element identifiers of a different template* (0031; 0038; Fig. 2; 0044; Fig. 3; Fig. 15; Fuwa teaches/illustrates how sub-categories (*element identifiers*) of one template can be used as a sub-category on a different template. Fuwa further teaches a template database that stores files concerning stamp face designs. Using the broadest interpretation of this teaching, the Examiner concludes that each different template has a common element identifier in that the different templates are all stamps. Even though the faces of the templates can be modified, the basic design element of the template remains the same, as illustrated in Fig. 15.).

*display the different template to the user* (0034; Fuwa teaching the image creating portion includes a preview creating portion, which creates preview image data on a stamp face.).

Therefore, at the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Friedman with Fuwa for the benefit of associating a product description identifier (product categories) with component element identifiers (product sub-categories).

**In regard to dependent claim 3,** Friedman discloses *the method of claim 2 wherein the different template is template for a different side of the same product currently being designed by the user* (0074; 0086, lines 7-14; Fig 6B; Friedman illustrates three different panel(sides) of a card in which the user can click on any panel and selected panel will be displayed in an editable format.).

**In regard to dependent claim 4,** Friedman discloses *the method of claim 2 wherein the different template is a template for a different product* (0094-0096; Friedman teaches that once changes to the card are accepted, the system automatically presents the user a different web page (template) to specify information related to the recipient. Friedman further teaches the user is provided a summary web page (template), which the user can edit any information or add or delete the card.).

**In regard to dependent claim 5,** Friedman discloses *the method of claim 4 wherein the template for the different product is created without user request* (0094-0096; Friedman teaches that once changes to the card are accepted, the system

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automatically presents the user a different web page (template) to specify information related to the recipient. Friedman further teaches the user is provided a summary web page (template), which the user can edit any information or add or delete the card.).

**In regard to dependent claim 6,** Friedman discloses *the method of claim 5 wherein the template for the different product is displayed to the user without user request* (0094-0096; Friedman teaches that once changes to the card are accepted, the system automatically presents the user a different web page (template) to specify information related to the recipient. Friedman further teaches the user is provided a summary web page (template), which the user can edit any information or add or delete the card.).

**In regard to dependent claim 7,** Friedman discloses *the method of claim 5 further comprising providing a means whereby the user can initiate an order for the production of the different product* (0099; Friedman teaches how a credit card transaction is used to produce and ship the order to the user.).

**In regard to independent claim 8,** Friedman discloses *a computer-implemented electronic product template method comprising* (0126)

*receiving a user request to initiate a product design session using a selected template* (0014, lines 1-7; Friedman discloses the user may selects any of a number of card templates stored in a database.),



*displaying the selected template to the user (0014, lines 7-8),*  
*in response to user selection of one of the earlier product identifiers, associating*  
*at least one of the component element identifiers of the selected earlier product with*  
*the product description identifier and modifying the displayed template to reflect the*  
*change (0019, lines 1-9; Friedman teaches the modification to the card is viewed in a*  
*WYSIWYG format. It has been established and is well known to a person of ordinary*  
*skill in the art that the WYSIWYG format would allow the user to immediately view the*  
*modifications to the card as they are made.)*

Friedman does not disclose expressly *in response to the request, associating a*  
*product description identifier with a plurality of component element identifiers, each*  
*component element identifier identifying a component element of the selected*  
*template.*

*displaying to the user identifiers associated with one or more earlier products*  
*associated with the user, and*

However, Fuwa teaches *in response to the request, associating a product*  
*description identifier with a plurality of component element identifiers, each component*  
*element identifier identifying a component element of the selected template (0038 –*  
*0039; Fuwa teaches how products are classified into broad categories (product*  
*description identifier), and each category is classified into sub-categories (component*  
*element identifier).).*

*displaying identifiers associated with one or more earlier products associated with the user* (0041-0042; Fuwa teaches the customer management database stores information about customers who has order in the past, and the orders management database stores information about the each order number and information about orders.), *and*

Therefore, at the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Friedman with Fuwa for the benefit of associating a product description identifier (product categories) with component element identifiers (product sub-categories).

**In regard to dependent claim 9,** Friedman discloses *the method of claim 8 wherein the earlier product identifiers are thumbnail images of at least a portion of the earlier products* (0072; 0086; Fig. 6A; Friedman teaches to facilitate selection and customization, card may be stored in a database as files in a thumbnail, intermediate and editable size.).

**In regard to dependent claim 10,** Friedman discloses *the method of claim 8 wherein the earlier product identifiers are displayed in response to a user request* (0086; Friedman teaches the user can select a card by clicking on the appropriate thumbnail image of the card.).

**In regard to independent claim 11**, Friedman discloses *a computer program product embodied on a computer readable medium, the computer product comprising computer code (0126) adapted to*

*receive a user request to initiate a product design session using a selected template (0014, lines 1-7; Friedman discloses the user may select any of a number of card templates stored in a database.),*

*display the selected template to the user (0014, lines 7-8),*

*provide one or more tools allowing the user to change at least one component element of the template (0014, lines 9-12; 0015, lines 10-11; Friedman discloses the user is able to customize the card by adding text, handwritten notes, graphics, photographs and scanned data to the card.), and*

*in response to each user change of a component element, associate the element identifier of the new component element with the product description identifier and modify the displayed template to reflect the change (0019, lines 1-9; Friedman teaches the modification to the card is viewed in a WYSIWYG format. It has been established and is well known to a person of ordinary skill in the art that the WYSIWYG format would allow the user to immediately view the modifications to the card as they are made.).*

Friedman does not disclose expressly *in response to the request, associate a product description identifier with a plurality of component element identifiers, each*

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*component element identifier identifying a component element of the selected template.*

*use at least some of the element identifiers associated with the product description identifier as element identifiers of a different template, and display the different template to the user.*

However, Fuwa teaches *in response to the request, associating a product description identifier with a plurality of component element identifiers, each component element identifier identifying a component element of the selected template* (0038 – 0039; Fuwa teaches how products are classified into broad categories (*product description identifier*), and each category is classified into sub-categories (*component element identifier*)).

*using at least some of the element identifiers associated with the product description identifier as element identifiers of a different template* (0031; 0038; Fig. 2; 0044; Fig. 3; Fig. 15; Fuwa teaches/illustrates how sub-categories (*element identifiers*) of one template can be used as a sub-category on a different template. Fuwa further teaches a template database that stores files concerning stamp face designs. Using the broadest interpretation of this teaching, the Examiner concludes that each different template has a common element identifier in that the different templates are all stamps. Even though the faces of the templates can be modified, the basic design element of the template remains the same, as illustrated in Fig. 15.).

*display the different template to the user* (0034; Fuwa teaching the image creating portion includes a preview creating portion, which creates preview image data on a stamp face).

Therefore, at the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Friedman with Fuwa for the benefit of associating a product description identifier (product categories) with component element identifiers (product sub-categories).

**In regard to independent claim 13,** Friedman discloses *a computer program product embodied on a computer readable medium, the computer program product comprising computer code* (0126) adapted to

*receive a user request to initiate a product design session using a selected template* (0014, lines 1-7; Friedman discloses the user may select any of a number of card templates stored in a database.),

*display the selected template to the user* (0014, lines 7-8),

*in response to user selection of one of the earlier product identifiers, associate at least one of the component element identifiers of the selected earlier product with the product description identifier and modifying the displayed template to reflect the change* (0019, lines 1-9; Friedman teaches the modification to the card is viewed in a WYSIWYG format. It has been established and is well known to a person of ordinary

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skill in the art that the WYSIWYG format would allow the user to immediately view the modifications to the card as they are made.).

Friedman does not disclose expressly *in response to the request associate a product description identifier with a plurality of component element identifiers, each component element identifier identifying a component element of the selected template.*

*displaying to the user identifiers associated with one or more earlier products associated with the user, and*

However, Fuwa teaches *in response to the request associating a product description identifier with a plurality of component element identifiers, each component element identifier identifying a component element of the selected template* (0038 – 0039; Fuwa teaches how products are classified into broad categories (*product description identifier*), and each category is classified into sub-categories (*component element identifier*)).

*displaying identifiers associated with one or more earlier products associated with the user* (0041-0042; Fuwa teaches the customer management database stores information about customers who has order in the past, and the orders management database stores information about the each order number and information about orders.), *and*

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Therefore, at the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Friedman with Fuwa for the benefit of associating a product description identifier (product categories) with component element identifiers (product sub-categories).

*Note*

3. It is noted that any citations to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the reference should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art.

See, MPEP 2123.

**(10) Response to Argument**

Independent Claim 1 and Dependent Claims 3-7

Appellant agrees with Examiner in that Friedman teaches the first three elements (features a, b, c) of Claim 1, as well as teaching the second portion of feature "d" (see page 6 of the brief). Appellant argues Friedman does not teach the fourth element of Claim 1, which recites *"in response to each user change of a component element,*

*associating the element identifier of the new component element with the production description identifier.*

However, Appellant does not sets forth any specific arguments or rationale as to why Appellant feels the Examiner is incorrect in his analysis as disclosed within the office action. Therefore, the Examiner disagrees with Appellant and asserts the combination of the prior art(s) cited overcomes each and every claimed limitation of the current invention as described above.

Appellant further agrees Fuwa does not teach *the claim features of:*

*(a) in response to the request to initiate a product design session, associating a product description identifier with a plurality of component element identifiers, each component identifier identifying a component element of the selected template,*

*(b) using at least some of the element identifiers associated with the product description identifier as element identifiers of a different template, and*

*(c) displaying the different template to the user.*

The Examiner disagrees

Fuwa teaches *(a) in response to the request, associating a product description identifier with a plurality of component element identifiers, each component element identifier identifying a component element of the selected template* (0037 – 0039; Fuwa teaches how products are classified into broad categories *(product description*



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*identifier*), and each category is classified into sub-categories (*component element identifier*). As defined with the specification (0033), a product identifier is used to facilitate the definition of a component of the user's customized product. Using the broadest reasonable interpretation, the Examiner concludes it would be reasonable to interpret that a product description identifier is analogous to a category of products, which could be used to facilitate the definition of a component, e.g. a category/*product description identifier* of stamps. Also see Fig. 12.

Fuwa also teaches each category is classified into sub-categories, in which distinction data is stored (0044). As disclosed within the specification (0036), for any given type of product, there will be a number of possible layouts, designs, font schemes, color schemes and so forth, in which are user-selectable component elements. Therefore, using the broadest reasonable interpretation, the Examiner concludes it would be reasonable to interpret component element identifier of a product description identifier as being analogous to a sub-category of a product within a category of products. Furthermore the Examiner concludes it would be reasonable to interpret the different fonts types/sizes of the stamps as different elements (*component element identifier*) within a sub-category of stamps (*category / product description identifier*). See Fig. 12 and 0092

(b) using at least some of the element identifiers associated with the product description identifier as element identifiers of a different template (0031; 0038; Fig. 2; 0044; Fig. 3; Fig. 15; Fuwa teaches/illustrates how sub-categories (*element identifiers*)

of one template can be used as a sub-category on a different template. Fuwa further teaches a template database that stores files concerning stamp face designs. Using the broadest interpretation of this teaching, the Examiner concludes that each different template has a common element identifier in that the different templates are all stamps. Even though the faces of the templates can be modified, the basic design element of the template remains the same, as illustrated in Fig. 15.). As seen in Fig 15, Fuwa teaches multiple fonts types, not just one, as Appellant argues (page 8 of brief), which are used in the different stamp templates (Fig. 12).

(c) *display the different template to the user* (Appellant argues Fuwa does not disclose displaying *display the different template to the user*. As seen in Fig. 12 and Fig. 15, Fuwa clearly teaches displaying the different template to the user.).

#### Independent Claim 8 and Dependent Claims 9-10

Appellant agrees with Examiner in that Friedman teaches the first three elements (features a & b) of Claim 8 (see page 9 of the brief). Appellant argues Friedman does not teach the third element (c), *in response to user selection of one of the earlier product identifiers associated with the user, associating at least one of the component element identifiers of the selected earlier product with the product description and*

*modifying the displayed template to reflect the change. Applicants respectfully disagree that Friedman teaches the third of these elements (see page 9 of the brief).*

However, as with Claim 1, Appellant does not sets forth any specific arguments or rationale as to why Appellant feels the Examiner is incorrect in his analysis as disclosed within the office action. Therefore, the Examiner disagrees with Appellant and asserts the combination of the prior art(s) cited overcomes each and every claimed limitation of the current invention as described above.

*Appellant argues as discussed above in connection with claim 1, there is no basis for interpreting product description identifier as applying to a general category of products and no basis for interpreting component elements as product subcategories (page 9 of Brief).*

The Examiner's rationale for such interpretation is given above as discussed in connection with Claim 1.

*Appellant further argues nothing in Fuwa discloses or suggests that any portion of the contents is displayed to the user, as is recited in claim 8.*

The Examiner disagrees,

As seen in Fig. 12 and Fig. 15, Fuwa clearly teaches displaying the different template to the user.

Independent Claim 11

*Appellant argues for the same reasons as stated above in connection with the discussion of claim 1, claim 11 is likewise considered to be patentable.*

The Examiner disagrees based on the same rationale as stated above in connection with Claim 1.

Independent Claim 13

*Appellant argues for the same reasons as stated above in connection with the discussion of claim 8, claim 13 is likewise considered to be patentable.*

The Examiner disagrees based on the same rationale as stated above in connection with Claim 8.

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



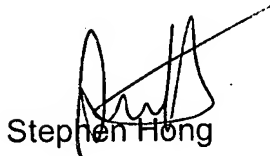
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Doug Hutton

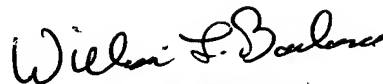
**Doug Hutton**  
**Primary Examiner**  
**Technology Center 2100**



Stephen Hong

**STEPHEN HONG**  
**SUPERVISORY PATENT EXAMINER**

William Bashore



**WILLIAM BASHORE**  
**PRIMARY EXAMINER**